

AMENDED IN SENATE AUGUST 19, 2014

AMENDED IN SENATE JUNE 19, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2398**

---

**Introduced by Assembly Member Levine**

February 21, 2014

---

An act to ~~add Sections 12810.6, 21071, and 42001.21 to the Vehicle Code, amend, repeal, and add Section 42001.19 of the Vehicle Code,~~ relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2398, as amended, Levine. Vehicles: pedestrians and bicyclists.

Existing law provides that a driver who violates specified offenses of the rules of the road that are punishable as an infraction, and as a result of that violation proximately causes bodily injury or great bodily injury to another person is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. Existing law provides that a conviction under these provisions is punishable for a violation involving bodily injury by a fine of \$70 and for a violation involving great bodily injury by a fine of \$95. ~~Existing law establishes that specified convictions and violations under the Vehicle Code and traffic-related incidents count as violation points against a driver's record for purposes of suspension or revocation of the privilege to drive.~~

~~This bill would additionally provide, notwithstanding any other law, that a driver who violates the offenses described above and, as a result of that violation, proximately causes bodily injury or great bodily injury to a vulnerable road user, as defined, is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. The bill would make a conviction under these provisions punishable by a fine of not less than \$220 and not more than \$300. The bill would assign a violation point for a conviction under these provisions. By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill, until January 1, 2020, would make a conviction under these provisions punishable by a fine, in lieu of the fines imposed for violations involving bodily injury or great bodily injury, of not less than \$220 and not more than \$300 for a violation involving bodily injury or great bodily injury to a vulnerable road user, as defined.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.  
State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 42001.19 of the Vehicle Code is amended*
- 2     *to read:*
- 3     42001.19. Notwithstanding any other ~~provision of law~~, a person
- 4     convicted of a violation of Section 21070 is punishable, as follows:
- 5     (a) For a violation involving bodily injury, by a fine of seventy
- 6     dollars (\$70).
- 7     (b) For a violation involving great bodily injury, as defined in
- 8     Section 12022.7 of the Penal Code, by a fine of ninety-five dollars
- 9     (\$95).
- 10    (c) (1) *For a violation involving bodily injury or great bodily*
- 11    *injury to a vulnerable road user, by a fine of not less than two*
- 12    *hundred twenty dollars (\$220) and not more than three hundred*
- 13    *dollars (\$300).*
- 14    (2) *For purposes of this subdivision, "vulnerable road user"*
- 15    *means:*

1 (A) A pedestrian, including a highway construction and  
2 maintenance worker.

3 (B) A person on horseback.

4 (C) A person operating equipment other than a motor vehicle,  
5 including, but not limited to, a bicycle, in-line skates, roller skates,  
6 scooter, or skateboard.

7 (D) A person operating or using a farm tractor.

8 (E) A person on an electric personal assistive mobility device,  
9 as defined in Section 313.

10 (F) A person in a wheelchair.

11 (d) This section shall remain in effect only until January 1, 2020,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2020, deletes or extends that date.

14 SEC. 2. Section 42001.19 is added to the Vehicle Code, to  
15 read:

16 42001.19. Notwithstanding any other law, a person convicted  
17 of a violation of Section 21070 is punishable, as follows:

18 (a) For a violation involving bodily injury, by a fine of seventy  
19 dollars (\$70).

20 (b) For a violation involving great bodily injury, as defined in  
21 Section 12022.7 of the Penal Code, by a fine of ninety-five dollars  
22 (\$95).

23 (c) This section shall become operative on January 1, 2020.

24 SECTION 1. ~~Section 12810.6 is added to the Vehicle Code,~~  
25 ~~to read:~~

26 ~~12810.6. A conviction of a violation of Section 21071 shall be~~  
27 ~~given a value of one violation point.~~

28 SEC. 2. ~~Section 21071 is added to the Vehicle Code, to read:~~

29 21071. (a) ~~Notwithstanding any other law, a driver who~~  
30 ~~violates any provision of this division that is punishable as an~~  
31 ~~infraction and, as a result of that violation, proximately causes~~  
32 ~~bodily injury or great bodily injury, as defined in Section 12022.7~~  
33 ~~of the Penal Code, to a vulnerable road user, is guilty of the public~~  
34 ~~offense of unsafe operation of a motor vehicle with bodily injury~~  
35 ~~or great bodily injury. That violation is punishable as an infraction~~  
36 ~~pursuant to Section 42001.21.~~

37 (b) ~~For purposes of this section, "vulnerable road user" means:~~

38 (1) ~~A pedestrian, including a highway construction and~~  
39 ~~maintenance worker.~~

40 (2) ~~A person on horseback.~~

1     ~~(3) A person operating equipment other than a motor vehicle,~~  
2     ~~including, but not limited to, a bicycle, in-line skates, roller skates,~~  
3     ~~scooter, or skateboard.~~

4     ~~(4) A person operating or using a farm tractor.~~

5     ~~(5) A person on an electric personal assistive mobility device~~  
6     ~~as defined in Section 313.~~

7     ~~(6) A person in a wheelchair.~~

8     ~~SEC. 3. Section 42001.21 is added to the Vehicle Code, to~~  
9     ~~read:~~

10     ~~42001.21. Notwithstanding any other law, a person convicted~~  
11     ~~of a violation of Section 21071 is punishable by a fine of not less~~  
12     ~~than two hundred twenty dollars (\$220) and not more than three~~  
13     ~~hundred dollars (\$300).~~

14     ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
15     ~~Section 6 of Article XIII B of the California Constitution because~~  
16     ~~the only costs that may be incurred by a local agency or school~~  
17     ~~district will be incurred because this act creates a new crime or~~  
18     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
19     ~~for a crime or infraction, within the meaning of Section 17556 of~~  
20     ~~the Government Code, or changes the definition of a crime within~~  
21     ~~the meaning of Section 6 of Article XIII B of the California~~  
22     ~~Constitution.~~